(3) CR-2004

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

Writ Petition No. 530/2004.

PETITIONERS : 1. Dr.J.P.Baderiya S/o Shri C.L. Baderiya, aged 43 years, Assistant Surgeon (Medical Officer), P.H.C. Bhopalpattanam, Distt.Dantewada (C.G.)

Dr. R.L.Malviya S/o Shri Parwat Lal Malviya, aged 39 years, Asstt. Surgeon (Medical Officer) P.H.C. Geedam, Distt. Dantewada (C.G.)

P. R. No. 513/04
Presented by Shri Bhugenvans Sinha
dated 13.02.04

Versus

RESPONDENTS : 1. State of Chhattisgarh
Through : Secretary, Public Health & Family Welfare and Medical Education Department Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. State of Madhya Pradesh
Through : The Secretary Public Health & Family Welfare and Medical Education Department Vallabh Bhawan Bhopal (M.P.).

3. The Secretary, General Administration Department (G.A.D.) and State Re-organisation Cell Vallabh Bhawan Bhopal (M.P.).

4. Union of India
Through : The Secretary,Ministry of Personnel Public Grievances and Pension, Personnel & Training Department, New Delhi.

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Received for M.O.I. 13-02-04.

Reader

.....contd....

(4)

5. Director, Health Services, Raipur (Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA :

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 530/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.04.2004

Shri Subhash Yadav, counsel for the petitioners.

Shri Akhil Agrawal, Panel Lawyer for the State.

None for respondents No.2 and 3. Service to them is not required as no relief is claimed from them. Service to them is dispensed with.

Shri Vinjay Harit, Sr. Standing Counsel with Shri V.V.S. Murthy, Addl. Standing Counsel for Union of India and its officials.

Application for urgent hearing is allowed.

Heard.

By this petition under Article 226/277 of the Constitution of India, the petitioners have submitted that though they have been allocated to the State of Madhya Pradesh but they are not being relieved. Counsel for petitioners relied on judgments of this Court in W.P.No.516/2003 (Dr. Ashok Kumar Jain & Ors. Vs State of Chhattisgarh & Ors.) dated 17.12.2003 and in W.P.No.152/2004 (Dr. Shiv Dayal Shavnere vs State of Chhattisgarh & Ors.), copies of which have been filed along with the petition as Annexures P-6 and P-7. This fact is not disputed by the other side.

Having considered the facts and circumstances, material on record and in view of the judgments cited above and further the legal position, the action of the State authorities in not

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

33

आदेश पत्रक

मामला क्रमांक W.P.No. 530/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

relieving the petitioners cannot be sustained and the petitioners are entitled for relieving.

Accordingly, the petition is allowed and the respondents are directed to relieve the petitioners.

Learned counsel for the Union of India submits that elections are going on and election process will continue upto 20.05.2004.

In the circumstances, it is directed that the petitioners be relieved immediately after 20.05.2004 and in any case before 31.05.2004.

With this observation, the petition is disposed of.

Sd/-
Fakhruddin
Judge

Pathak)

[पीछे देखिये